

HCS HB 184 -- LIQUOR SALES

SPONSOR: Johnson (47)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 12 to 5.

This substitute makes technical changes to the liquor sales laws. The substitute also:

- (1) Removes the requirement that written consent must be obtained before a license to sell liquor within 100 feet of a school or church will be granted (Section 311.080, RSMo);
- (2) Changes the time of opening from 11:00 a.m. to 9:00 a.m. for the sale of packaged liquor at retail and the sale of liquor on Sundays in restaurant bars, amusement places, and places of entertainment. The time of opening for restaurant bars located in a sports stadium in Jackson County is changed from 11:00 a.m. to 8:00 a.m. (Sections 311.097, 311.098, 311.102, and 311.293);
- (3) Allows persons licensed to sell malt liquor at retail by the drink to also sell 3.2% beer by the drink. The fee for the license is \$25. Any person licensed to sell malt liquor or 3.2% beer at retail may sell between the hours of 9:00 a.m. and midnight on Sundays (Section 311.200);
- (4) Prohibits retailers of alcohol from selling alcohol in mutilated, torn, or cut cartons. Retailers may not repackage liquor in a manner misleading to the consumer or that results in required labeling being omitted or obscured (Section 311.280);
- (5) Creates a rebuttable presumption that the contents of a manufacturer-sealed container that is labeled as containing alcohol or intoxicating beer does contain the listed contents. The presumption currently exists only for the sale of liquor to minors (Sections 311.325 and 312.407);
- (6) Requires the purchaser of liquor to provide upon demand by a liquor retailer a valid and unexpired driver's license or passport when purchasing liquor. Under current law, an expired license or passport may be used to purchase liquor (Section 311.328);
- (7) Repeals the section of law requiring the seller of malt liquor to label the malt liquor container with the name and location of the manufacturer (Section 311.360); and
- (8) Allows liquor control officers to enforce state laws related to tobacco products. Liquor control officers are also given the

power to search and seize when enforcing liquor and tobacco laws.
(Section 311.630).

FISCAL NOTE: Not available at time of printing.

PROPONENTS: Supporters say that the courts have declared several liquor statutes unconstitutional and unenforceable. These statutes need to be updated. Many retailers and stadiums would like to be able to sell beer at 9:00 a.m. Currently, the river front area of St. Louis can already sell beer at 9:00 a.m. The proposed new liquor license would encourage 3.2% retailers to obtain a 5% beer license. There are only 184 3.2% retailers, and it is difficult to maintain quality control. Parts of the bill would allow for the arrest of an individual if a Liquor Control agent found a person to be in violation of another law. This will help law enforcement.

Testifying for the bill were Representative Johnson (47); Missouri Retailers Association; Missouri Grocers Association; Missouri Petroleum Marketers Association; Missouri Restaurant Association; and Kansas City Chiefs.

OPPONENTS: Those who oppose the bill say that the search and seizure powers in the bill are not necessary. Liquor Control agents would have too much authority.

Testifying against the bill was Paul Lewis.

Others testifying on the bill was Division of Liquor Control.

Steve Bauer, Legislative Analyst